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January 9, 2003

HAND DELIVERY

The Honorable Michael Powell, Chairman
Federal Communications Commission
445 Twelfth Street, S.W., 8th Floor
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Supplemental *Ex Parte* Presentation
CC Docket Nos. 96-98, 01-338

Dear Chairman Powell,

On December 4, 2002, the Association for Communications Enterprises ("ASCENT") submitted an *ex parte* presentation outlining a market based proposal for UNE-P's, the subject of the above referenced proceedings. On behalf of ASCENT and its affiliated companies, we herewith submit the affidavits of Sean Dandley, President of DSCI Corporation, Joseph P. Fiorillo, President of Intelcom Solutions, Inc., William Stapelton, President and Chief Operating Officer of OneStar Long Distance, Inc. and William J. Kaliszewski, President and CEO of Partner Communications LLC, in support of the UNE-P market based proposal. Please associate the attached affidavits with the *ex parte* presentation submitted by ASCENT on December 4, 2002.

Questions or concerns regarding this submission should be addressed to the undersigned.

Sincerely,



William B. Wilhelm, Esq.
Counsel for ASCENT

cc: Commissioner Kathleen Abernathy
Commissioner Kevin J. Martin
Christopher Libertelli
Matthew Brill
William Maher, Chief
Richard Lerner
Michelle Carey
Tom Navin
Rob Tanner

Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Jordan Goldstein
Dan Gonzalez
Jeffrey Carlisle
Scott Bergmann
Brent Olson
Jeremy Miller
Marlene H. Dortch, Secretary

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AFFIDAVIT

State of Massachusetts
county of Middlesex
December 17, 2002

I, **Sean M. Dandley** hereby **affirm** that I am the President of **DSCI Corporation**. In this capacity I **am** responsible **for** directing and managing the strategic direction of **the** company.

DSCI Corporation is a provider of local telephone **service** in **Massachusetts**, New Hampshire, Rhode Island and New York. **This service** is currently provided utilizing **UNE-P**. **DSCI** is the premier provider of network services for governmental agencies, business customers and non-profits in New England and New York – we have offices in Massachusetts and New Hampshire and are presently opening one in New York. Through our proprietary operating and billing platform – known as Bill-Sense – we are able to deliver and manage service bundles that meet the unique requirements of each of our customers.

As a competitive provider of local telecommunications **service**, a transition by the Federal Communications Commission away from **UNE-P** is certain to disrupt any company's ability to continue to provision **service** to its customers. Of particular concern is the **company's** ability to purchase wholesale switching as a **UNE**.

It is not possible, nor economically feasible, for **DSCI Corporation** to self-provision local switching services at this time. Were the FCC to forebear from requiring the ILECs to provision switching services as a **UNE**, the company would be unable to obtain reliable substitute switching services at reasonable rates. **DSCI Corporation** is constantly seeking out the most reliable network services that we can provide to our customers and to date, after much research and evaluation we are able to only cover 10% of our footprint with non-ILEC services via other service providers. The elimination of **UNE-P** availability, in the absence of a ubiquitous solution would destroy our company and cause severe damage to our customers who rely on **DSCI Corporation's** expertise and pricing.

In the absence of a competitive wholesale market for switching services, it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office, by central office basis, there is little doubt that **DSCI Corporation** would be impaired from provisioning services to its customers absent the availability of **UNE switching services**.



Sean Dandley
President
Corporation

Solutions Inc.

AFFIDAVIT

State of New York

County of Nassau

I, Joseph P. Fiorillo hereby affirm that I **am** the President of Intelcom Solutions, Inc. In this capacity I **am** responsible for the management of the selling and provisioning of our service as well as the financial management of the company.

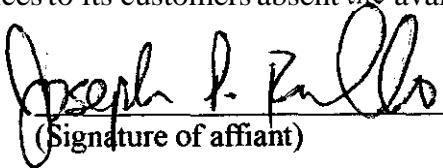
Intelcom Solutions, Inc. is a provider of local telephone service in the New York metropolitan area. This service is currently provided utilizing UNE-P. Intelcom Solutions has been operating since 1996 and employs 30 people. Intelcom focuses on the small to midsize business market and services over 500 customers. These customers' average approximately 10 phone lines spend roughly \$900.00 for telecommunications services per month.

As a competitive provider of local telecommunications service, a transition by the Federal Communications Commission away from UNE-P is certain to disrupt my company's ability to continue to provision service to its customers. Of particular concern is the company's ability to purchase wholesale switching as a UNE.

It is not possible, nor economically feasible, for Intelcom Solutions to self-provision local switching services at this time. Were the **FCC** to forebear from requiring the **ILECs** to provision switching services as a **UNE**, the company would be unable to obtain reliable substitute switching services at reasonable rates. The financial markets have made it impossible for telecommunications companies to raise sufficient capital to support the build-out of a network to support our customer base. The industry has seen many carriers try the "build it and they will come" approach and fail. It is clearly evident that a competitor needs to obtain sufficient market share with profitability before a carrier can begin to justify the building of a switching network from a central office perspective. It is not only the purchase and operation of a single carrier class switch in a single central office that would be required to service our customer base. It is the deployment of over 179 central office based smaller nodes backhauled to a carrier class switch to **service** our customers in our specific market. With the absence of the UNE-P switch element this rollout would also include the cross-connect of every singular line that is provisioned from Intelcom Solutions. The other **CLECS** that offer wholesale services with competitive switching within our market do not offer this service to customers with a line count fewer than 24 lines at a competitive enough rate to earn sufficient margins.



In the absence of a competitive wholesale market for switching services, it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office, by central office basis, there is little doubt that **Intelcom** Solutions would be impaired from provisioning services to its customers absent the availability of UNE switching services.


(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/

in the State and County above named, this ____ day of _____, 2002.

AFFIDAVIT

State of Indiana

)

)

County of Vanderburgh

)


I, William Stapleton, hereby affirm that I am the President and Chief Operating Officer of OneStar Long Distance, Inc ("Onestar"). In **this** capacity I **am** responsible for all administrative and operational respects of OneStar's business.

OneStar is a provider of local telephone service in the domestic United States. This service is currently provided utilizing UNE-P. OneStar is an Integrated Communications Provider of voice telephone service and related data services, principally to small and **medium** sized businesses in select second and third tier regional markets and to certain residential customers. The Company currently services approximately 63,000 accounts.


As a competitive provider of local telecommunications service, a transition by the Federal Communications Commission away from UNE-P is certain to disrupt my company's ability to continue to provision service to its customers. Of particular concern is the Company's ability to purchase wholesale switching as a UNE.

It is not possible, nor economically feasible, for OneStar to self-provision local switching services at this time. Were the FCC to forebear from requiring the ILECs to provision switching services as a UNE, the company would be unable to obtain reliable substitute switching services at reasonable rates. Simply, there are no other reasonable alternatives.

In the absence of a competitive wholesale market for switching services, it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office, by central office basis, there is little doubt that OneStar would be impaired from provisioning services to its customers absent the availability of UNE switching services.


(Signature of affiant)

Subscribed and sworn to before me, a Notary Public
Indiana, Vanderburgh County
in the State and County above named, this 23rd day of December, 2002.


Jodie L. Burnett
10/12/07



William J. Kaliszewski
President and CEO

*528 Washington Avenue
North Haven, CT 06473*

*Voice 203.985.3400
Toll Free 888.324.5454
Fax 203.234.6150
www.partnerc.com*

AFFIDAVIT

State of **Connecticut**)
)
County of **New Haven**)

I, William J. Kaliszewski, hereby affirm that I am the President and CEO of Partner Communications LLC (Partner). In this capacity I am responsible overall for all company activities, including sales and marketing, and purchasing of services from the incumbent local exchange company, SBC-SNET.

Partner Communications LLC is a value-added provider of voice, data, and Internet communications services throughout the state of Connecticut. The Company was founded in 1996 by former employees of Southern New England Telephone (SNET) in order to serve the unmet customer support and service needs of Connecticut-based businesses, schools, and municipalities. Its core business is the provision of local telephone service, buying on a wholesale basis from SBC-SNET. Today Partner Communications is the local telephone service provider for over 800 customers and is well regarded by both its customers and its suppliers. As part of its controlled and phased growth plan, Partner has deferred investment in its own switching capability and focused its resources on growing and maintaining its customer base, and providing a more complete array of services. This has enabled Partner to compete more effectively and maintain its financial stability, while other facilities-based providers have failed. The result has been job creation and another service alternative for Connecticut-based customers.

As a competitive provider of local telecommunications service, the ability to purchase the switching component of the network from SBC-SNET is critical to Partner Communications' ability to maintain its business in the future. While the wholesale pricing of UNE-P from SBC-SNET is not as favorable as in most other jurisdictions, its availability is paramount to the growth of local service competition. Total service resale does not provide an adequate level of margin, and there *are* no viable wholesale alternatives in Connecticut.

As a competitive provider of local telecommunications service, a transition by the Federal Communications Commission away from UNE-P is certain to disrupt the company's ability to continue to provision service to its customers. Of particular concern is the company's ability to purchase wholesale switching as a UNE.

It is not possible, nor economically feasible, for Partner to self-provision local switching services at this time. Were the FCC to forebear from requiring the ILECs to provision switching services as a UNE, the company would be unable to obtain reliable substitute switching services at reasonable rates. SBC-SNET is the only local exchange company with ubiquitous switching service in Connecticut. Prior to the passage of the 1996 Telecom Act, SBC-SNET served greater than 99% of all local residential and business lines in Connecticut. Although there are a few other competitive local


William J. Kaliszewski
President and CEO

exchange carriers in Connecticut that have switching capability (AT&T, MCI Metro, Sprint), these CLEC switches are primarily designed to serve only one or two metropolitan areas. There are no alternatives to SBC-SNET for serving a diverse set of customers across the entire state. Connecticut is the third smallest state in the country. In order to succeed as a CLEC, Partner must be able to serve all customers anywhere within the state. Without access to SBC-SNET UNE it will not be able to do so in an economically adequate manner.

In the absence of a competitive wholesale market for switching services, it is unreasonable to believe that the incumbent would have any incentive to provision services at reasonable rates. Accordingly, until such a market exists on a central office by central office basis, there is little doubt that Partner Communications LLC would be impaired from provisioning services to its customers absent the availability of UNE switching services.


William J. Kaliszewski, President & CEO

Subscribed and sworn to before me, a Notary Public
in the State and County above named, this 6th day of January, 2003.



MARION DONOVAN,
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 31, 2005

SEAL